

**MICHAEL J. KURGAN**  
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Defendant Pro Se

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

THE LANCE AND LINDA NEIBAUER  
JOINT TRUST, by and through LANCE  
NEIBAUER, as trustee,

Plaintiff

vs.

MICHAEL J. KURGAN, an individual,

Defendant.

Case No. 6:14-cv-01192-MC

DEFENDANT'S RESPONSE TO  
PLAINTIFF'S FIRST REQUEST FOR  
PRODUCTION TO DEFENDANT

To: Plaintiff and its attorney of record:

Pursuant to Federal Rule of Civil Procedure ("FRCP") 34, Defendant responds to Plaintiff The Lance and Linda Neibauer Joint Trust, by and through Lance Neibauer, as trustee ("Plaintiff"), request that Defendant produce the following information to Nicholas J. Henderson, of Motschenbacher & Blattner, LLP, 117 SW Taylor Street, Suite 200, Portland, Oregon 97204, no later than **thirty (30)** days from the date of this request.

**DEFINITIONS**

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DEFENDANT

**Defendant objects to the Definitions to the extent that they require him to produce more information than that required under the Federal Rules of Civil Procedure and the cases interpreting them.**

### **INSTRUCTIONS**

**Defendant objects to the Definitions to the extent that they require him to produce more information than that required under the Federal Rules of Civil Procedure and the cases interpreting them or instruct him to act beyond that which is required of him under the rules.**

### **DOCUMENTS REQUESTED**

REQUEST FOR PRODUCTION NUMBER 1: Produce all documents reflecting sources of income identified in Interrogatory No. 6. This request includes but is not limited to paycheck stubs, employment agreements, franchise agreements, license agreements, royalty agreements, annuities, life insurance policies, and disability insurance policies.

RESPONSE:

NA

REQUEST FOR PRODUCTION NUMBER 2: Produce your tax returns for the last 4 years, including all schedules and worksheets.

RESPONSE:

NA

REQUEST FOR PRODUCTION NUMBER 3: For each and every corporation identified in your response to Interrogatory No. 10, produce all subscription agreements, articles of organization, bylaws, buy-sell agreements, voting agreements, proxy agreements, or other shareholder agreements to which such corporation is a party.

RESPONSE:

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Defendant objects to the Interrogatory and the correlating demand for production, on the basis that as shown above, on the grounds it is unduly burdensome, overly burdensome, seeks assets which are exempt from enforcement under Federal and Florida Constitutional law. Furthermore, To the extent that this seeks information regarding assets held in tenants by the entirety with my wife, the request violates the rights of the Defendants wife. Defendant is a resident of the State of Florida, and any information related to his spouse is IRRELEVANT and INADMISSABLE, as it VIOLATES THE CONSTITUTIONAL RIGHTS AFFORDED HER AND THOSE BELONGING TO THE DEFENDANT UNDER THE CONSTITUTION AND LAWS OF THE STATE OF FLORIDA. Furthermore, assets held or received are and were as tenants by the entirety and thus exempt from any enforcement, and therefore irrelevant and inadmissible. Furthermore, objection is further made to the extent that the disputed judgment is only in the name of the Defendant, and Defendants' wife has and asserts her right to privacy and confidentiality as provided by Florida and Federal law. Furthermore, the entity is NOT A DEFENDANT to this action, and thus any information sought is beyond the jurisdiction of the Plaintiff to obtain. Therefore, no information will be produced.

REQUEST FOR PRODUCTION NUMBER 4: For each and every limited liability company identified in your response to Interrogatory No. 11, produce all articles of organization, operating agreements, admission agreements, and any member agreements to which such limited liability company is a party.

RESPONSE:

NONE, and therefore NOT APPLICABLE

REQUEST FOR PRODUCTION NUMBER 5: For each property identified in your response to Interrogatory No. 12, produce your most recent property tax statement, any appraisals of

the property prepared within the last four years, and your most recent statement for any mortgage or other encumbrance identified.

RESPONSE:

Real Property is rented.

REQUEST FOR PRODUCTION NUMBER 6: Produce all statements for the last 2 years for each account identified in your response to Interrogatory No. 13.

RESPONSE: Attached

REQUEST FOR PRODUCTION NUMBER 7: Produce your homeowners' insurance policy, and any other insurance policy, including policies covering loss or casualty to any item identified in your response to Interrogatory No. 17, 18 or 19.

RESPONSE:

None

REQUEST FOR PRODUCTION NUMBER 9: For each vehicle identified in your response to Interrogatory No. 19, produce all documents reflecting the value of the vehicle, and all documents reflecting any loans against or security interests in the vehicle during the last 6 months.

RESPONSE:

Attached

REQUEST FOR PRODUCTION NUMBER 10: For any securities identified in your response to Interrogatory No. 21, produce all documents reflecting the location and value of each security during the last 6 months.

RESPONSE:

Defendant objects to the Interrogatory and correlating demand for production on the basis that as shown above, on the grounds it is unduly burdensome, overly burdensome, seeks assets which are

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DEFENDANT

exempt from enforcement under Federal and Florida Constitutional law. Furthermore, to the extent that this seeks information regarding all securities, and because all which are held in tenants by the entirety with my wife, the request violates the rights of the Defendants wife. Defendant and his wife are both residents of the State of Florida, and any information related to his spouse is IRRELEVANT and INADMISSABLE, as it VIOLATES THE CONSTITUTIONAL RIGHTS AFFORDED HER AND THOSE BELONGING TO THE DEFENDANT UNDER THE CONSTITUTION AND LAWS OF THE STATE OF FLORIDA. Furthermore, because all securities held or owned by us, are and were owned as tenants by the entirety and thus entirely exempt from any enforcement, and therefore irrelevant and inadmissible. Furthermore, objection is further made to the extent that the disputed judgment is only in the name of the Defendant, and Defendants' wife has and asserts her right to privacy and confidentiality as provided by Florida and Federal law. Because the requests seek information that relates to policies jointly held by residents of Florida, the Defendant cannot and will not respond. Without waiving the objections, there are no non-exempt securities.

REQUEST FOR PRODUCTION NUMBER 11: For any estate identified in your response to Interrogatory No. 22, produce all documents reflecting your interest in the estate, and any probate or other court filings related to the estate during the last 12 months.

RESPONSE:

None

REQUEST FOR PRODUCTION NUMBER 12: For each trust identified in your response to Interrogatory No. 23, produce all trust instruments or declarations, and produce all documents related to any transfer made to such trust by you during the last 10 years.

RESPONSE:

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2017, I re-served the foregoing DEFENDANT'S RESPONSE TO foregoing PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT on the following:

**Nicholas J. Henderson, OSB No. 074027**

Email: [nhenderson@portlaw.com](mailto:nhenderson@portlaw.com)

Motschenbacher & Blattner, LLP

117 SW Taylor Street, Suite 200

Portland, Oregon 97204-3029

Telephone: (503) 417-0508

Facsimile: (503) 417-0501

**[X] Via Priority Mail Trackable**

[ ] Via Facsimile

[ ] Via Hand Delivery

[ ] Via ECF Notification

[ ] Via Electronic Mail to:

DATED: July 19 2017.



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